IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 6073(S/S) of 2001
(Old no. 36802 of 1997)

Shaukat Ali S/o Sri Maqsood Hasan,
R/o village- Sultanpur Kunkari,
District Haridwar,
Presently working as Assistant Clerk in
Janta Inter College, Sultanpur Kunhari,
District Haridwar. ----Petitioner.

Vs.

1. Committee of Management,
   Janta Inter College, Sultanpur Kunhari,
   District Hardwar through its President,
2. Principal, Janta Inter College,
   Sultanpur, Kunhari, District Hardwar,
3. Sri Naseem Ahmad,
   Manager, Committee of Management,
   Janta Inter College,
   Sultanpur, Kunhari, District Haridwar,
4. District Inspector of Schools, Haridwar,
5. Sri Imran Ahmad S/o Abdul Wahid,
   R/o village and Post Sultanpur, Kunhar,
   District Haridwar. --- Respondents.

Sri Vinod Nautiyal, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State/ respondent no. 4,
None for the private respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Nautiyal, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State/respondent no.4. None is present for the respondent nos. 1 to 3 and 5.

This writ petition has been filed by the petitioner with the following reliefs:-

i Issue a writ, order or direction in the nature of certiorari quashing the impugned appointment letter dated 23.09.1997 (annexure-11 to the writ petition);

ii Issue a writ, order or direction in the nature of mandamus commanding the respondents not to given effect to the impugned letter of appointment dated 23.09.1997;

iii Issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere with the functioning of petitioner on the post of Asstt. Clerk in the college and pay the due salary of petitioner as an when same fall;

iv Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

v. Award the cost of writ petition in favour of petitioner.

Submission of the petitioner is that he was initially appointed as Asstt. Clerk in Janta Higher Secondary School, Sultanpur, Kunharia, District Hardwar w.e.f. 01.11.1991. The Institute had only one sanctioned post of Clerk. When the Institution was upgraded as Intermediate College in the year 1992, the Institution had two sanctioned posts of Asstt. Clerk, accordingly the services of the petitioner on the post of Asstt. Clerk was regularized w.e.f. 3rd December 1992. The petitioner continued to work on the post in the College till 17th January 1996 when he was declined to continue on the post held by him and he was not paid his salary.

It is submitted that without formally issuing order of termination, the services of petitioner were dispensed with by the Manager of the College. Aggrieved with the order the petitioner preferred writ petition before the Allahabad High Court. In the meantime the District

Inspector of Schools, Haridwar directed the respondent no.1 to permit the petitioner to continue on his post. But the Manager of the College proceeded to fill the post vide impugned appointment letter dated 23.09.1997.

During the course of arguments, learned counsel for the petitioner has submitted that the petitioner may be permitted to file fresh representation before the District Education Officer, Haridwar i.e. respondent no.4 and the Authority concerned may be directed to decide his representation within the period prescribed by this Court.

The Prayer is innocuous.

Thus, without entering into the merits of the case, the petitioner is directed to move fresh representation before the District Education Officer, Haridwar/ respondent no.4, raising all his grievances, within a period of three weeks from today. In case, the petitioner complies with the orders of this Court, the District Education Officer/respondent no.4 shall decide the representation of the petitioner in accordance with law within a period of four weeks from the date of production of a certified copy of this order alongwith representation.

With these directions, the writ petition is finally disposed of, No order as to costs.

(M.M. Ghildiyal, J.)

November 13, 2007:
NCM: